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Attorneys for Defendants  
CITY OF MENLO PARK and  
DAVE BERTINI

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO

MICHAEL ZELENY, an individual

Case No. 17-cv-07357-RS

Plaintiff,

VS.

EDMUND G. BROWN, JR., an individual, in  
his official capacity, et al.

**STIPULATION AND [PROPOSED]  
ORDER RE PARTIES' REQUEST FOR  
EARLY REFERRAL TO MAGISTRATE  
JUDGE FOR EARLY SETTLEMENT  
CONFERENCE**

## Defendants.

On March 28, 2018, counsel for the parties herein participated in an ADR Telephone Conference with Howard Herman. *See Document 34.* In said teleconference, counsel for the parties herein advised that they were agreeable to a referral to either Chief Magistrate Judge Joseph C. Spero or Magistrate Nathanael Cousins for an Early Settlement Conference.<sup>1</sup> While the parties

<sup>1</sup> Defendants Edmund G. Brown Jr., Governor of California, and Xavier Becerra, Attorney General of California, have filed a motion to dismiss on the grounds that the Court lacks jurisdiction over the claim Mr. Zeleny asserts against

STIPULATION AND [PROPOSED] ORDER RE PARTIES' REQUEST FOR EARLY REFERRAL TO MAGISTRATE JUDGE FOR EARLY SETTLEMENT CONFERENCE;

1 are currently working together informally, by way of this stipulation, they respectfully request an  
2 early referral to one of the aforementioned Magistrate Judges, so that they may get a settlement  
3 conference on calendar as soon as practical. The parties make this request because the initial case  
4 management conference, which was originally scheduled for April 12, 2018, has been moved to  
5 May 10, 2018. *See Document 33.* It is the parties' hope that with an early referral, the case as it  
6 pertains to the Menlo Park Defendants may be rendered moot and/or the parties will at least have a  
7 settlement conference on calendar by the time of the May 10, 2018 Case Management Conference.

8 DATE: April 2, 2018

HOWARD ROME MARTIN & RIDLEY LLP

9 By: /s/ Todd H. Master

10 Todd H. Master

11 Attorneys for Defendants  
CITY OF MENLO PARK and  
DAVE BERTINI

12 DATE: April 2, 2018

13 AFFELD GRIVAKES LLP

14 By: /s/ Todd H. Master

15 David W. Affeld

16 Damion Robinson

17 Attorneys for Plaintiff  
MICHAEL ZELENY

18 DATE: April 2, 2018

19 By: /s/ Noreen P. Skelly

20 Noreen P. Skelly

21 Attorneys for Defendants  
EDMUND G. BROWN JR. and  
XAVIER BECERRA

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25 them. *See Document 20* However, as discussed during the ADR telephone conference, Defendants Brown and  
26 Becerra support Mr. Zeleny and Defendants City of Menlo Park and Chief Bertini's efforts to resolve this matter  
through a request for an early settlement conference.

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STIPULATION AND [PROPOSED] ORDER RE PARTIES' REQUEST FOR EARLY REFERRAL TO  
MAGISTRATE JUDGE FOR EARLY SETTLEMENT CONFERENCE;

Case No. 17-cv-07357-RS

1  
2 [PROPOSED] ORDER  
3

4 Pursuant to the Stipulation set forth above and good cause appearing, this case is referred to  
5 [Chief Magistrate Judge Joseph C. Spero or Magistrate Judge Nathanael Cousins] for an early  
6 settlement conference.

7 Dated: April 11, 2018  
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11 Hon. Richard Seeborg  
12 United States District Court Judge  
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